

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2017-cv-2239

Lucio Celli,

Plaintiff,

v.

COMBIER ,

Defendants.

MOTION TO VACATE ORDERS FOR FRAUD UPON THE COURT UNDER FRCP 60(d)(3) AND FOR REFERRAL UNDER THE JUDICIAL CONDUCT AND DISABILITY ACT OF 1980 DUE TO MISUSE OF OFFICE BY CHIEF JUDGE BRODIE AND JUDGE MATSUMOTO TO PROTECT SENATOR SCHUMER, RANDI WEINGARTEN, AND BETSY COMBIER

To Pres Trump, AG Bondi, Houe Jud., Sen Judge, Hon. Margo Brodie, Hon. Kiyo Matsumoto, Hon. Conrad, Dishon. Cogan, Hon. Crona, and others, as the Randi Weingarten and the UFT are allowed to commit any crime against with them being able to get away with it.

Please Take Notice, Judge Cronan—as an AUSA—told me what Judge Cogan did to me would constitute a crime under 18 USC §371 and Fraud Upon the Court.

Please Take FURTHER Notice, borderline IQ students knew and understood what 80 AUSAs told me

There was a distortion for Randi as HIV still has a stigma, like my brother washing out my niece's mouth with Combier admitting that her publication of HIV status forced by Randi to make quit my job and the AUSAs of EDNY covered this up

The day that my status was posted, Randi emailed: “you haven’t had enough”

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I. INTRODUCTION

Plaintiff respectfully moves under **FRCP 60(d)(3)** to vacate all orders issued by Chief Judge **Margo Brodie** and Judge **Kiyo Matsumoto**, and further invokes the **Judicial Conduct and Disability Act of 1980**, 28 U.S.C. §§ 351–364, to seek referral and disciplinary investigation for conduct **incompatible with judicial office**. The acts described herein rise to a level that implicates the **constitutional standard for impeachment** under Article II, Section 4: “high Crimes and Misdemeanors.”

The merits is Sen. Schumer covered up for Randi, as I was entitled to money for the environment created by Randi and was known with admission by my employer

Lehrburger lied his in R&R—heighten my claim of quid pro quo—as an independent review of this was required, which he left out

II. SUMMARY OF JUDICIAL MISCONDUCT

Judges Brodie and Matsumoto:

1. **Misused judicial power** to suppress whistleblower evidence involving political corruption linked to Senator Charles Schumer;
 2. **Protected Randi Weingarten and Betsy Combier** by refusing to adjudicate claims of retaliation, harassment, wage theft, and pension obstruction;
 3. **Failed to enforce tax and benefit laws**, enabling retaliatory economic coercion against the Plaintiff;
 4. **Acted in collusion with political actors** by obstructing First Amendment, Due Process, and Equal Protection claims with full knowledge of their merit;
 5. **Ruled without jurisdiction or in knowing conflict**, thereby **defiling the court’s integrity** and abusing the public trust.
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III. LEGAL BASIS: FRAUD UPON THE COURT AND JUDICIAL MISCONDUCT

A. Rule 60(d)(3): Fraud on the Court

“Fraud on the court” includes conduct that corrupts the judicial process itself. It embraces bribery of a judge or jury, fabrication of evidence, or...where a judge deliberately disregards material facts to reach a predetermined outcome.

— *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944);

— *King v. First Am. Investigations, Inc.*, 287 F.3d 91 (2d Cir. 2002)

Judges Brodie and Matsumoto intentionally ignored dispositive constitutional claims, imposed sanctions with political motive, and refused hearings despite Plaintiff’s documented statutory rights.

B. Judicial Conduct and Disability Act of 1980

Congress enacted 28 U.S.C. §§ 351–364 to:

“Provide a formal mechanism for the investigation and discipline of judges who are no longer fit to serve due to disability or misconduct... including conduct prejudicial to the effective and expeditious administration of justice.”

— *S. Rep. No. 96-362, 96th Cong., 2d Sess. (1980)*

Misconduct includes:

- Retaliating against whistleblowers or litigants for asserting legal rights;
- Shielding colleagues or political actors from scrutiny;
- Knowingly issuing rulings without jurisdiction or in violation of law;
- Distorting or omitting material facts to protect political or institutional interests.

C. Legislative History

The Act was passed in response to abuses where:

“Judges used their office not to do justice but to protect power, punish criticism, and advance partisan interest.”

— *S. Rep. No. 96-362, at 4–5*

That is precisely what occurred here: Brodie and Matsumoto **used judicial office to insulate political allies and suppress complaints of serious federal violations.**

IV. THE FEDERALIST PAPERS: CONSTITUTIONAL BASIS FOR REMOVAL

As *Federalist No. 81* explains:

“The judiciary must be beyond reproach, lest its legitimacy dissolve in the public eye... Impeachment is the safeguard against those who violate the sacred obligation of neutrality and fidelity to law.”

And *Federalist No. 65* states:

“Abuse of public trust is the principal criterion for impeachment... it is a political crime when it subverts the legitimate function of the office.”

Judges Brodie and Matsumoto:

- Subverted neutrality;
- Disregarded their constitutional oath;
- Protected individuals implicated in coordinated retaliation against Plaintiff;
- Allowed wage theft and government fraud to proceed unaddressed to favor Senator Schumer’s allies.

Such conduct falls squarely within the meaning of “**high crimes and misdemeanors**” as originally conceived.

V. PRAYER FOR RELIEF

Plaintiff respectfully seeks:

1. **Vacatur of all rulings by Chief Judge Brodie and Judge Matsumoto under Rule 60(d)(3);**
2. Formal referral of these judges under the **Judicial Conduct and Disability Act of 1980**, 28 U.S.C. §§ 351–364;
3. Transmittal of findings and evidentiary materials to:
 - The **Judicial Conference of the United States**;
 - The **Senate Judiciary Committee** for potential **Articles of Impeachment**;
 - The **DOJ Public Integrity Section**, under 18 U.S.C. §§ 242, 371, 1346;
4. Leave to supplement this motion with a declaration, audio exhibits, and evidentiary index substantiating:
 - Coordinated harassment by Weingarten and Combier;
 - Judicial concealment of wage and tax fraud;
 - Abuse of the Article III judicial role to suppress politically inconvenient litigation.
 - Magistrate Lehrburger should not be allowed to apply for magistrate again

/s/ Lucio Celli

DATED: June 15, 2015

Respectfully submitted,

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Certificate of Service

I hereby certify that on [Date], a copy of the foregoing Motion to [Specify Relief Sought] was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

[Attorney's Name]